

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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	:	
INNOVATION VENTURES, LLC, ET AL.,	:	
	:	12 Civ. 5354 (KAM) (RLM)
Plaintiffs,	:	
	:	
-against-	:	<u>STIPULATION AND ORDER</u>
	:	
ULTIMATE ONE DISTRIBUTING CORP., ET	:	
AL.	:	
	:	
Defendants.	:	
_____	X	

WHEREAS, Plaintiffs Innovation Ventures, LLC, Living Essentials, LLC, and International IP Holdings, LLC (collectively, “Plaintiffs”) and Core-Mark International, Inc., Purity Wholesale Grocers, Inc., Baseline Distribution, Inc., David Flood, Moa Trading, Inc., Capital Sales Company, and Quality King Distributors, Inc. (collectively, “Stipulating Defendants”) have been engaged in good faith settlement discussions and the Stipulation Defendants seek additional time to reach a resolution of the claims against them;

WHEREAS, pursuant to the Court’s scheduling order dated March 11, 2013 (Dkt. No 452), fact discovery in this action is scheduled to close on January 17, 2014; and

WHEREAS, the goals of justice and efficiency would be best served by further settlement discussions;

THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the Court’s scheduling order is amended as follows:

1. The deposition of Ron Knudsen previously scheduled to take place on January 6, 2014 shall be taken no later than February 21, 2014;
2. The deposition of Quality King Distributor Inc.’s corporate designee currently scheduled to take place on January 15, 2014 shall be taken no later than February 21, 2014;

3. The deposition of Core-Mark International, Inc.'s corporate designee currently scheduled to take place on January 17, 2014 shall be taken no later than February 28, 2014;
4. The deposition of Mike Dunn currently scheduled to take place on January 14, 2014 shall be taken no later than February 28, 2014;
5. The deposition of Karen Rodriguez-McLellan currently scheduled to take place on January 16, 2014 shall be taken no later than February 28, 2014;
6. The deposition of Purity Wholesale Grocers, Inc.'s corporate designee currently scheduled to take place on January 10, 2014 shall be taken no later than February 28, 2014;
7. The deposition of Jim Zaccardi currently scheduled to take place on January 13, 2014 shall be taken no later than February 28, 2014;
8. The deposition of Moa Trading, Inc.'s corporate designee currently scheduled to take place on January 7, 2014 shall be taken no later than February 15, 2014;
9. The deposition of Baseline Distribution, Inc.'s corporate designee previously scheduled to take place on January 8, 2014 shall be taken no later than March 15, 2014;
10. The deposition of Plaintiffs' corporate designee shall take place no later than March 7, 2014;
11. No party shall be prevented from asking questions of Plaintiffs' corporate designee solely because the deposition is scheduled to occur after January 17, 2014;
12. The deposition of Brian Nystuen previously scheduled to take place on January 3, 2014 shall be taken no later than February 19, 2014;
13. The deposition of Antonio Lico previously scheduled to take place on December 27, 2013 shall be taken no later than February 19, 2014;
14. The deposition of Joseph Resser previously scheduled to take place on December 30, 2013 shall be taken no later than February 19, 2014;

15. Plaintiffs shall respond on or before March 28, 2014 to Defendant Core-Mark International, Inc.'s First Set of Requests For Production of Documents, and Defendant Core-Mark International, Inc.'s First Set of Interrogatories to Plaintiffs;
16. Core-Mark International, Inc. shall respond on or before March 28, 2014 to Plaintiffs' First Set of Requests for Admission to Defendant Core-Mark International Inc. and Plaintiffs' First Set of Interrogatories to Defendant Core-Mark International Inc.;
17. Baseline Distribution, Inc. shall respond on or before March 28, 2014 to Plaintiffs' First Set of Requests for Admission to Defendant Baseline Distribution, Inc. and Plaintiffs' Second Set of Interrogatories to Baseline Distribution, Inc.;
18. Non-binding private mediations between Plaintiffs and each of the Stipulating Defendants, except Moa Trading, Inc., must be completed by March 28, 2014; and
19. If a resolution is not reached through mediation or other means, fact discovery as between Plaintiffs and the Stipulating Defendants will closed on March 28, 2014.

Dated: January 15, 2014

CONSENTED AND AGREED TO BY:

PATTERSON BELKNAP WEBB & TYLER
LLP

GOODMAN & SAPERSTEIN

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*Attorneys for Plaintiffs Innovation Ventures,
LLC; Living Essentials, LLC; and
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15. Plaintiffs shall respond on or before March 28, 2014 to Defendant Core-Mark International, Inc.'s First Set of Requests For Production of Documents, and Defendant Core-Mark International, Inc.'s First Set of Interrogatories to Plaintiffs;
16. Core-Mark International, Inc. shall respond on or before March 28, 2014 to Plaintiffs' First Set of Requests for Admission to Defendant Core-Mark International Inc. and Plaintiffs' First Set of Interrogatories to Defendant Core-Mark International Inc.;
17. Baseline Distribution, Inc. shall respond on or before March 28, 2014 to Plaintiffs' First Set of Requests for Admission to Defendant Baseline Distribution, Inc. and Plaintiffs' Second Set of Interrogatories to Baseline Distribution, Inc.;
18. Non-binding private mediations between Plaintiffs and each of the Stipulating Defendants, except Moa Trading, Inc., must be completed by March 28, 2014; and
19. If a resolution is not reached through mediation or other means, fact discovery as between Plaintiffs and the Stipulating Defendants will closed on March 28, 2014.

Dated: January 15, 2014

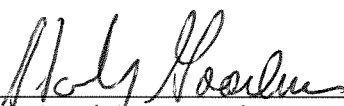
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SO ORDERED:

MAGISTRATE JUDGE ROANNE L. MANN